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34 **UNITED STATES DISTRICT COURT**
35 **NORTHERN DISTRICT OF CALIFORNIA**
36 **OAKLAND DIVISION**

37 IN RE: LITHIUM ION BATTERIES
38 ANTITRUST LITIGATION

39 Case No. 13-md-02420-YGR
40 MDL No. 2420

41 This Document Relates to:

42 *All Direct Purchaser Actions*

43 **DIRECT PURCHASER PLAINTIFFS'**
44 **REPLY BRIEF IN SUPPORT OF**
45 **MOTION FOR ORDER AUTHORIZING**
46 **DISTRIBUTION OF REMAINING**
47 **SETTLEMENT FUNDS**

48 Date: January 10, 2023
49 Time: 2:00 p.m.
50 Judge: Hon. Yvonne Gonzalez Rogers
51 Courtroom: 1

STATEMENT OF ISSUES TO BE DECIDED

1. Whether to authorize additional *pro rata* payments from the remaining settlement funds to the 114 previously approved claimants who (i) cashed their initial checks and (ii) would also be eligible to receive more than \$10.00 in this proposed supplemental distribution, as set forth in **Exhibit C** to the Page Declaration.

2. Whether to distribute any future remaining settlement funds to a *cy pres* beneficiary, George Washington University Law School Competition Law Center (“CLC”).

3. Whether the Settlement Administrator shall be reimbursed \$122,866.92 for additional costs and expenses incurred from the previously reserved amount of \$136,968.96.

4. Whether the Settlement Administrator shall be paid the \$14,102.04 remainder of the previously reserved amount of \$136,968.96 for its remaining work.

REPLY BRIEF

Direct Purchaser Plaintiffs (“Plaintiffs”) respectfully submit this Reply Brief in support of their Motion for an Order Authorizing Distribution of Remaining Settlement Funds, ECF No. 2754 (“Motion”).

After Plaintiffs filed their Motion, the Notice of Motion and Motion, the Memorandum of Points and Authorities in Support Thereof, the Declaration of James Page, Esq. in Support of Direct Purchaser Plaintiffs' Motion for Order Authorizing Distribution of Remaining Settlement Funds (ECF No. 2755) ("Page Declaration" or "Page Decl."), the Declaration of William E. Kovacic, ECF No. 2754-2 ("Kovacic Decl."), and the [Proposed] Order Granting Direct Purchaser Plaintiffs' Motion for Order Authorizing Distribution of Remaining Settlement Funds, ECF No. 2754-1 ("Proposed Order") were posted on the settlement website (www.BatteriesDirectPurchaserAntitrustSettlement.com) maintained by the Settlement Administrator. Supplemental Declaration of James Page in Support of Direct Purchaser Plaintiffs' Motion for Order Authorizing Distribution of Remaining Settlement Funds ¶ 3 ("Supp. Page Declaration").

The deadline to oppose the Motion has passed and no opposition or objections were filed, nor were any received by the Settlement Administrator. *Id.* ¶ 4.

1 Plaintiffs therefore request that the Court enter the Proposed Order, previously
2 submitted, which authorizes additional payments to certain class members, and payment of
3 additional and remaining claims administration costs incurred by the Settlement Administrator.

4

5 DATED: December 22, 2022

Respectfully submitted,

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E-FILING ATTESTATION

I, Carl N. Hammarskjold, am the ECF User whose ID and password are being used to file this document. In compliance with Civil Local Rule 5-1(h)(3), I hereby attest that each of the signatories identified above has concurred in this filing.

/s/ Carl N. Hammarskjold

Carl N. Hammarskjold